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## FAX TRANSMISSION

JUL 22 2004

*Conair Corporation - Legal Dept.*

One Cummings Point Road  
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Tel: 203-351-9000  
Fax: 203-975-4658

OFFICIAL

No of pages including cover sheet: 30To: Commissioner for PatentsCompany: US PTOFax No.: (703) 872 - 9306

CC: \_\_\_\_\_

DPLCATE

From: Steven GarnerDate: 7/22/04Subject: Appl. Ser. # 09/998,015Telephone number: (203) 921 - 2844

Request to Withdraw Examiner's Holding  
of Abandonment

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Application Number: 09/998,015  
Filing Date: November 30, 2001  
First Named Inventor: Peter J. Hill  
Art Unit: 3742  
Examiner: Campbell, Thor S.  
Attorney Docket No.: 884.0002USU  
Title: Fluid Delivery Device

OFFICIAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW EXAMINER'S HOLDING OF ABANDONMENT  
UNDER 37 CFR 1.181(a)**

Dear Commissioner:

Applicant requests a withdrawal of the Examiner's holding of abandonment for the above-referenced case. A submission was required in response to an Office Action mailed December 23, 2003. The required response was submitted to the USPTO on June 23, 2004 via U.S. Express Mail.

Please find attached the following items showing that the response to the Office Action was timely submitted:

1. Copy of response submitted
2. Copy of postcard stamped June 23, 2004 by the USPTO
3. Copy of Express Mail mailing label dated June 23

No fee is due with this request. (MPEP 711.03(c)).

In addition, a copy of the Petition for Extension of Time submitted with the response is included. The petition requests an extension for five months. However, an extension of only three months was required. As such, please credit our account the

difference of \$1060 (\$2010 - \$950). In the original petition, we had authorized the Director to credit any overpayment to Deposit Account Number 501239.

Applicant would like to extend appreciation to Supervisory Patent Examiner Ed Look for assistance with this matter.

Should you have any questions, please do not hesitate to contact us.

July 21, 2004

Steven A. Garner

Steven A. Garner  
Reg. No. 52,475  
Conair Corporation  
One Cummings Point Road  
Stamford, CT 06902  
Tel. (203) 921-2844  
Fax. (203) 975-4658

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Application S.N./Registration No.: 09/998015  
 Filing Date: Nov. 30, 2004 File/Docket No. 884 0002454

CASE# 10804**Receipt of Transmitted Documents**

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| <input type="checkbox"/> Appeal Board's Decision | <input type="checkbox"/> Petition                            |
| <input type="checkbox"/> Issue Fee               | <input type="checkbox"/> Missing Parts                       |
| <input type="checkbox"/> Priority Document       | <input type="checkbox"/> 132 Declaration                     |

Application S.N./Registration No.: 09/998015  
 Filing Date: Nov. 30, 2004 File/Docket No. 884 0002454

CASE# 10804**Receipt of Transmitted Documents**

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| <input type="checkbox"/> Brief                     | <input type="checkbox"/> Certificate of Corr.                                     |
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| <input type="checkbox"/> Appeal Board's Decision   | <input type="checkbox"/> Petition   |
| <input type="checkbox"/> Issue Fee                 | <input type="checkbox"/> Missing Parts  |
| <input type="checkbox"/> Priority Document         | <input type="checkbox"/> 132 Declaration  |
| <input type="checkbox"/> Formal Drawings           | <input checked="" type="checkbox"/> Transmittal Letter (in duplicate)             |
| <input type="checkbox"/> Notice of Appeal          | <input type="checkbox"/> Rule 53(d) Continuation (CPA)                            |
| <input type="checkbox"/> Certified Copy            | <input type="checkbox"/> Assignment w/rec. Cover Sheet                            |
| <input type="checkbox"/> Terminal Disclaimer       | <input type="checkbox"/> Other: .....   |
| <input type="checkbox"/> Request for Recon.        | <input checked="" type="checkbox"/> Deposit Acc. Authorization and Info. Provided |
| <input type="checkbox"/> References (IDS)/PTO-1449 |   |
| <input type="checkbox"/> Preliminary Amend.        |   |

*JUN 23 2004**U.S. PATENT & TRADEMARK OFFICE*

A Check drawn in the amount of \$..... (#.....)

is also attached hereto.

Mailed: .....  COM  OEM #.....

*EV327541634*

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EV 327561634 US

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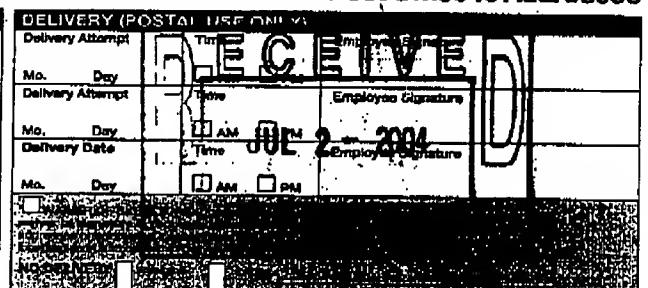

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FROM: (PLEASE PRINT)  
 Steven Garner  
 CONAIR CORPORATION  
 1 CUMMINGS POINT RD STE 1  
 STAMFORD CT 06904-7401

PHONE 203 921-2844  
 Case# 1080/u

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PTO/SB/21 (02-04)

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1080/u

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**TRANSMITTAL FORM**

(to be used for all correspondence after initial filing)

TRANSMITTAL FORM  (to be used for all correspondence after initial filing)	Application Number	09/998,015	
	Filing Date	November 30, 2001	
	First Named Inventor	Peter J. Hill	
	Art Unit	3742	
	Examiner Name	Campbell, Thor S.	
Total Number of Pages in This Submission	18	Attorney Docket Number	884.0002USU

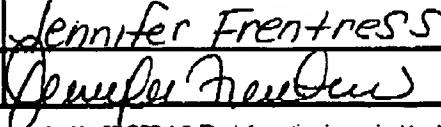
ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input checked="" type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input checked="" type="checkbox"/> Change of Correspondence Address	<input type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or individual name	Steven A. Garner
Signature	
Date	6/23/04

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or printed name	Jennifer Frentress
Signature	
Date	6/23/04

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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EV327561634US

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 2010)

## Complete If Known

Application Number	09/998,015
Filing Date	November 30, 2001
First Named Inventor	Peter J. Hill
Examiner Name	Campbell, Thor S.
Art Unit	3742
Attorney Docket No.	884.0002 USU

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

501239

Conair Corporation

The Director is authorized to: (check all that apply)

- Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Description	Fee Paid
Fee Code (\$)	Fee Code (\$)		
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1) (\$)			2010

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims below	Fee from below	Fee Paid
Independent	-20" =	X	
Multiple Dependent	- 3" =	X	

## Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
1202 18	2202 9	Claims in excess of 20
1201 86	2201 43	Independent claims in excess of 3
1203 290	2203 145	Multiple dependent claim, if not paid
1204 86	2204 43	" Reissue independent claims over original patent
1205 18	2205 9	" Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$)		

\*\*or number previously paid, if greater. For Reissues, see above

## 3. ADDITIONAL FEES

Large Entity | Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1612 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 820*	1804 820*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 840	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1808 180	1808 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
SUBTOTAL (3) (\$)			2010

(Complete if applicable)

Name (Print/Type)	Registration No. /Attorney/Agent	Telephone (203) 921-2844
Steven A. Garner	52,475	Date 6/23/04

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete. Including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

\*Indicates assistance in preparing this form can be found at 1-800-PTO-1000 and patent office 9.

JUL 22 2004

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PTO/SB/22 (08-03)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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## PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) Docket Number (Optional) 884.0002US4

In re Application of Hill et al.	
Application Number	09/998,015
For FLUID DELIVERY DEVICE	
Art Unit	3742

Examiner Campbell, Thos S.

This is a request under the provisions of 37 CFR 1.138(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- |  |          |
|--|----------|
| <input type="checkbox"/> One month (37 CFR 1.17(a)(1))   | \$ _____ |
| <input type="checkbox"/> Two months (37 CFR 1.17(a)(2))  | \$ _____ |
| <input type="checkbox"/> Three months (37 CFR 1.17(a)(3))  | \$ _____ |
| <input type="checkbox"/> Four months (37 CFR 1.17(a)(4))   | \$ _____ |
| <input checked="" type="checkbox"/> Five months (37 CFR 1.17(a)(5))  | \$ 2010  |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____ |          |
| <input type="checkbox"/> A check in the amount of the fee is enclosed.   |          |
| <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.  |          |
| <input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.   |          |
| <input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 501239      |          |

I have enclosed a duplicate copy of this sheet.

I am the  applicant/inventor.

- |  |
|--|
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71.<br>Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96). |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration Number 52,475  |
| <input type="checkbox"/> attorney or agent under 37 CFR 1.34(a).<br>Registration number if acting under 37 CFR 1.34(a) _____                         |

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6/23/04

Date

Signature

(203) 921-2844

Telephone Number

Steven A. Garner

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

Total of 1 forms are submitted.

This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hill et al.

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Serial No.: 09/998,015

JUL 22 2004

For: FLUID DELIVERY DEVICE

Filed: November 30, 2001

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Confirmation No.: 3883

Art Unit: 3742

Examiner: Campbell, Thor S.

Customer No.: 27,623 Docket No.: 884.0002USU

ASSOCIATE POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

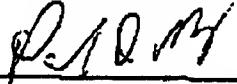
Please recognize Lawrence Cruz, Reg. No. 36,385 and Steven A. Garner, Reg. No. 52,475 of Conair Corporation, One Cummings Point Road, Stamford, CT 06902, US, as attorneys, with full and complete powers to prosecute this patent application and to transact all business in the Patent and Trademark Office connected therewith.

Please continue to address all correspondence to:

Charles N.J. Ruggiero, Esq.  
Ohlant, Greeley, Ruggiero & Perle, L.L.P.  
One Landmark Square, 10th Floor  
Stamford, Connecticut 06901-2682  
Telephone: (203) 327 4500  
Telefax: (203) 327 6401

Respectfully submitted,

Date: 6/23, 2004

  
Name: Paul D. Greeley  
Reg. No.: 31,019

Serial No.: 09/998,015

Art Unit: 3742

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants: Hill et al.

JUL 22 2004

Serial No.: 09/998,015

Filed: November 30, 2001

**OFFICIAL**

For: FLUID DELIVERY DEVICE

Examiner: Campbell, Thor S.

Art Unit: 3742

Attorney Docket No.: 884.0002USU

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION MAILED DECEMBER 23, 2003

Dear Sir:

This communication is in response to the Office Action mailed December 23, 2003. A Petition and appropriate fee are enclosed herewith to extend the period for response until June 23, 2004.

AMENDMENT

Amendments to the Claims are shown in the appendix of claims, which begins on a separate sheet attached herewith. A copy showing changes in marked-up form is provided in addition to a clean set.

Serial No.: 09/998,015

Art Unit: 3742

REMARKS/ARGUMENTS

Applicants submit this response to the Official Action mailed December 23, 2003.

Applicants respectfully request reconsideration and allowance of claims 5, 10-11, 13, 20-24, 36, 37, 54 and 55. No new matter has been added by these claim amendments. Applicants have cancelled claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65. A petition for a three-month extension of the term for response to said Official Action, to and including June 23, 2004, is transmitted herewith.

Claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65 were rejected under 35 U.S.C. § 102(e) as being anticipated by Kreitemier et al. (U.S. Pat. 6,216,911). By the present amendment, applicants have cancelled without prejudice claims 1-4, 6-9, 12, 14-19, 25-35, 38-53 and 56-65, in order to advance the prosecution, but reserve the right to prosecute these claims in a subsequent application, as applicants do not agree with this rejection.

Claims 5, 10-11, 13, 20-24, 36, 37, 54 and 55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kreitemier in view of Meeks (U.S. Pat. 3,749,880). Applicants have amended claims 5, 20, 36 and 54 to respond to this rejection.

Specifically, claim 5 has been amended to describe the heating device as transferring heat to said first reservoir through a flat, single plane that is shared by the heating device and the first reservoir. An example of this is shown in Fig. 2 of the present drawings. The bottom of heater 54 is flat

Serial No.: 09/998,015

Art Unit: 3742

and is in contact with the top of the first reservoir 52, which is in the form of a flat, coiled tube that wraps about itself. The heater 54 and the first reservoir 52 share a flat, common plane through which heat can be transferred efficiently.

Meeks, however, does not teach or suggest such a feature. Meeks describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) The force of the shave cream being ejected from the pressurized container causes the shave cream to be forced spirally around the heat exchanger within the channel 78 between the inner shell 72 and the outer shell 70. As the shave cream is traveling in this manner from the inlet to the outlet the heated heat exchanger transfers heat to the shave cream. (Col 6, lns. 9-15). The shave cream in Meeks must be heated throughout the entire spiral or groove around the height of the inner shell 72, whereby the entire inner shell must be heated. In contrast, amended claim 5 discloses the transfer of heat through a single flat plane in the form of a coil that need only be the diameter of the flow of lotion. This requires much less heat and is much more efficient. Therefore, applicant contends that the rejection should be withdrawn as to claim 5.

The rejection should also be withdrawn as to claims 10-11 and 13, inasmuch as each of these claims depends, directly or indirectly, from claim 5.

Claim 20 has been amended to describe the heating device as

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transferring heat to said first reservoir through a flat, single plane that is shared by the heating device and the first reservoir. As previously noted, the bottom of heater 54 is flat and is in contact with the top of the first reservoir 52, which is in the form of a flat, coiled tube that wraps about itself. The heater 54 and the first reservoir 52 share a flat, common plane through which heat can be transferred efficiently. Meeks, however, describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) The force of the shave cream being ejected from the pressurized container causes the shave cream to be forced spirally around the heat exchanger within the channel 78 between the inner shell 72 and the outer shell 70. As the shave cream is traveling in this manner from the inlet to the outlet the heated heat exchanger transfers heat to the shave cream. (Col 6, lns. 9-15). The shave cream in Meeks must be heated throughout the entire spiral or groove around the height of the inner shell 72, whereby the entire inner shell must be heated. As such, applicant contends that the rejection should be withdrawn as to claim 20.

The rejection should also be withdrawn as to claims 21-24, inasmuch as each of these claims depends, directly or indirectly, from claim 20.

Claims 36 and 54 have been amended to describe a first reservoir in the form of a heat sink having an axial channel. Meeks does not teach or suggest such a feature. As previously

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noted, Meeks describes a heat exchanger that is cylindrical in shape and is double walled in that there is an outer shell 70 and an inner shell 72 slightly smaller than the outer shell so that it may fit within the outer shell. The side wall of the outer shell 70 has a spiral or continuous groove or channel 78 through which shave cream from the pressurized container will flow. (Fig. 4; col. 3, lns. 54-67.) As described in claims 36 and 54 of the present application, the fluid flows through the first reservoir along a single axis, rather than along a spiral path around a heating element. As such, applicants contend that the rejection should be withdrawn as to claims 36 and 54.

The rejection should also be withdrawn as to claim 37, inasmuch as this claim directly depends from claim 36, as well as claim 55, inasmuch as this claim directly depends from claim 54.

In view of the foregoing, applicants respectfully submit that all claims present in this application are patentable over the cited combination of prior art. Accordingly, applicants respectfully request favorable reconsideration and withdrawal of the rejections of the claims. Also, applicants respectfully request that this application be passed to allowance.

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Amendment to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

Claims 1-4 (cancelled)

Claim 5 (once amended) A fluid delivery system comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat though a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other.

Claims 6-9 (cancelled)

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Claim 10 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is flat.

Claim 11 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is made of aluminum.

Claim 12 (cancelled)

Claim 13 (as originally filed): The fluid delivery system of claim 10, wherein said coiled tube is wound about five times.

Claim 14-19 (cancelled)

Claim 20 (once amended): A fluid delivery system comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat though a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, from said first

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reservoir to said delivery device and from said delivery device to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said second reservoir is removable from said fluid delivery system.

Claim 21 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is flat.

Claim 22 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is wound about five times.

Claim 23 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is made of aluminum.

Claim 24 (as originally filed): The fluid delivery system of claim 23, wherein said delivery device comprises a downwardly directed spout.

Claims 25-35 (cancelled)

Claim 36 (once amended): A fluid delivery system comprising:

a first reservoir having a first volume;  
a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

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wherein said heating device heats a fluid in said first reservoir and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 37 (as originally filed): The fluid delivery system of claim 36, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 38-53 (cancelled)

Claim 54 (once amended): A fluid delivery system comprising:

a first reservoir having a first volume;  
a second reservoir having a second volume and connected to said first reservoir;  
a pump operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a housing surrounding said first reservoir and said heating device, and forming a substantially water tight seal around said first reservoir and said heating device,

wherein said heating device heats a fluid in said first reservoir and said pump selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir, and wherein said heating device and said

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pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 55 (as originally filed): The fluid delivery system of claim 54, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 56-65 (cancelled)

Claim 66 (withdrawn): A method of heating fluid in a fluid delivery system having a first reservoir, a second reservoir, and a heating device, said first reservoir being in thermal communication with said heating device and said second reservoir being in substantial thermal isolation from said heating device, comprising the steps of:

commencing a heat up cycle by:

providing full power to the heating device;  
determining the fluid temperature in the first reservoir; and

determining if said fluid temperature is at or above a first temperature;

commencing an overshoot protection cycle when said fluid temperature is at or above said first temperature by:

providing reduced power to said heating device;  
determining said fluid temperature in said first reservoir; and

determining if said fluid temperature is at or above a second temperature; and

commencing a maintenance cycle when said fluid temperature

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is at or above said second temperature by:  
shutting off power to said heating device;  
determining said fluid temperature in said first  
reservoir;  
determining if said fluid temperature is at or below a  
third temperature;  
providing reduced power to said heating device when  
said fluid temperature is at or below said third  
temperature;  
determining said fluid temperature in said first  
reservoir;  
determining if said fluid temperature is at or above  
said second temperature; and  
repeating said maintenance cycle steps when said fluid  
temperature is at or above said second temperature.

Claim 67 (withdrawn): The method of claim 66, further  
comprising the steps of:

measuring the time said heating device has been activated  
after said maintenance cycle has commenced;  
determining if said time is at or above a time limit; and  
automatically shutting off said power when said time is at  
or above said time limit.

Claim 68 (withdrawn): The method of claim 66, wherein said  
first temperature is pre-determined.

Claim 69 (withdrawn): The method of claim 66, wherein said  
first temperature is about 5° C to about 15° C less than said  
second temperature.

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Claim 70 (withdrawn): The method of claim 66, wherein said third temperature is pre-determined.

Claim 71 (withdrawn): The method of claim 66, wherein said third temperature is about 0.5° C to about 10.0° C less than said second temperature.

Claim 72 (withdrawn): The method of claim 66, wherein said reduced power is about half of said full power.

Claim 73 (withdrawn): The method of claim 67, wherein said time limit is pre-determined.

Claim 74 (withdrawn): The method of claim 67, wherein said time limit is about one hour.

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Marked-up Version of Claims:

Claims 1-4 (cancelled)

Claim 5 (once amended): [The] A fluid delivery system [of claim 2, wherein said first reservoir is a coiled tube]  
comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat though a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, and then from said first reservoir to said delivery device and from said delivery device to the atmosphere, and wherein said heating device and said pump device operate independently from each other.

Claims 6-9 (cancelled)

Claim 10 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is flat.

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Claim 11 (as originally filed): The fluid delivery system of claim 5, wherein said coiled tube is made of aluminum.

Claim 12 (cancelled)

Claim 13 (as originally filed): The fluid delivery system of claim 10, wherein said coiled tube is wound about five times.

Claim 14-19 (cancelled)

Claim 20 (once amended): [The] A fluid delivery system [of claim 18, wherein said first reservoir is a coiled tube] comprising:

a first reservoir in the form of a flat, coiled tube having a first volume;

a second reservoir having a second volume and connected to said first reservoir;

a pump device operatively connected to said first reservoir and said second reservoir;

a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and

a delivery device connected to said first reservoir, wherein said heating device heats a fluid in said first reservoir by the transfer of heat though a flat, single plane shared by said heating device and said first reservoir, and said pump device selectively causes said fluid to flow from said second reservoir to said first reservoir, from said first reservoir to said delivery device and from said delivery device to the atmosphere, wherein said heating device and said pump device operate independently from each other, and wherein said

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second reservoir is removable from said fluid delivery system.

Claim 21 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is flat.

Claim 22 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is wound about five times.

Claim 23 (as originally filed): The fluid delivery system of claim 20, wherein said coiled tube is made of aluminum.

Claim 24 (as originally filed): The fluid delivery system of claim 23, wherein said delivery device comprises a downwardly directed spout.

Claims 25-35 (cancelled)

Claim 36 (once amended): [The] A fluid delivery system [of claim 33, wherein] comprising:

a first reservoir having a first volume;  
a second reservoir having a second volume and  
connected to said first reservoir;  
a pump device operatively connected to said first  
reservoir and said second reservoir;  
a heating device in thermal communication with said  
first reservoir and in substantial thermal isolation from said  
second reservoir; and  
wherein said heating device heats a fluid in said first  
reservoir and said pump device selectively causes said fluid to  
flow from said second reservoir to said first reservoir and from  
said first reservoir to the atmosphere, wherein said heating

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device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in contact with said heat sink.

Claim 37 (as originally filed): The fluid delivery system of claim 36, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 38-53 (cancelled)

Claim 54 (once amended): [The] A fluid delivery system [of claim 52, wherein] comprising:

a first reservoir having a first volume;  
a second reservoir having a second volume and connected to said first reservoir;  
a pump operatively connected to said first reservoir and said second reservoir;  
a heating device in thermal communication with said first reservoir and in substantial thermal isolation from said second reservoir; and  
a housing surrounding said first reservoir and said heating device, and forming a substantially water tight seal around said first reservoir and said heating device,  
wherein said heating device heats a fluid in said first reservoir and said pump selectively causes said fluid to flow from said second reservoir to said first reservoir and from said first reservoir, and wherein said heating device and said pump device operate independently from each other, and wherein said first reservoir comprises a heat sink having an axial channel and said heating device comprises a heating wire in

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contact with said heat sink.

Claim 55 (as originally filed): The fluid delivery system of claim 54, wherein said heat sink has channels formed therein for housing at least a portion of said heating wire.

Claims 56-65 (cancelled)

Claim 66 (withdrawn): A method of heating fluid in a fluid delivery system having a first reservoir, a second reservoir, and a heating device, said first reservoir being in thermal communication with said heating device and said second reservoir being in substantial thermal isolation from said heating device, comprising the steps of:

commencing a heat up cycle by:

providing full power to the heating device;  
determining the fluid temperature in the first reservoir; and

determining if said fluid temperature is at or above a first temperature;

commencing an overshoot protection cycle when said fluid temperature is at or above said first temperature by:

providing reduced power to said heating device;  
determining said fluid temperature in said first reservoir; and

determining if said fluid temperature is at or above a second temperature; and

commencing a maintenance cycle when said fluid temperature is at or above said second temperature by:

shutting off power to said heating device;  
determining said fluid temperature in said first

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reservoir;  
determining if said fluid temperature is at or below a third temperature;  
providing reduced power to said heating device when said fluid temperature is at or below said third temperature;  
determining said fluid temperature in said first reservoir;  
determining if said fluid temperature is at or above said second temperature; and  
repeating said maintenance cycle steps when said fluid temperature is at or above said second temperature.

Claim 67 (withdrawn): The method of claim 66, further comprising the steps of:

measuring the time said heating device has been activated after said maintenance cycle has commenced;  
determining if said time is at or above a time limit; and automatically shutting off said power when said time is at or above said time limit.

Claim 68 (withdrawn): The method of claim 66, wherein said first temperature is pre-determined.

Claim 69 (withdrawn): The method of claim 66, wherein said first temperature is about 5° C to about 15° C less than said second temperature.

Claim 70 (withdrawn): The method of claim 66, wherein said third temperature is pre-determined.

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Claim 71 (withdrawn): The method of claim 66, wherein said third temperature is about 0.5° C to about 10.0° C less than said second temperature.

Claim 72 (withdrawn): The method of claim 66, wherein said reduced power is about half of said full power.

Claim 73 (withdrawn): The method of claim 67, wherein said time limit is pre-determined.

Claim 74 (withdrawn): The method of claim 67, wherein said time limit is about one hour.